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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,122	04/01/2004	Takayuki Kondo	119127	8020
25944	7590	03/10/2006		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER MOONEY, MICHAEL P	
			ART UNIT	PAPER NUMBER
			2883	

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,122

Applicant(s)

KONDO, TAKAYUKI

Examiner

Michael P. Mooney

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,7,9,11,12,14,15 and 17 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,8,10,13 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

It has been determined that the Duncan et al. reference of the previous rejection is inapplicable because Duncan et al. fails to teach the light emitting or receiving surface attached to the block. Prior arguments are moot in light of the following new grounds for rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6, 7, 9, 14-15, 17 are rejected under 35 U.S.C. 102b as being anticipated by Regener et al. (5726796).

Regener et al. teaches a fiber optic transceiver module (fig.), comprising: a block (1,36) including an optical waveguide (21, 33, 19, 23, 17, 16) including a branch having a blind end 33 and a concave guide 9 into which an optical fiber 22 is inserted and provided to at least one end of the optical waveguide (21, 33, 19, 23, 17, 16); and an optical element with a light emitting or receiving surface (e.g., see where fiber 10 abuts with branch 7 of the waveguide) attached to the block, the optical element being a light emitting device or a light receiving device 10, the light emitting or receiving surface being disposed so as to face the other end of the optical waveguide (See where the end of branch 7 abuts optical fiber receiving element 10 in the figure).

Thus claim 1 is met.

Regener et al. teaches the optical element being an optical fiber 10 (fig.). Thus claim 4 is met.

Regener et al. teaches the optical waveguide including a main path (7, 16, 17, 21) extending to the guide 9 from the light emitting device 10 and the branch 33, the branch 33 being connected to the main path and aligned at an angle of ninety (90) degrees and below with respect to a light source side (e.g., 10, 7) of the main path (7, 16, 17, 21). Thus claim 6 is met.

Regener et al. teaches the branch 33 (e.g. at coupler 12) being connected to the main path (7, 16, 17, 21) at an angle of forty five (45) degrees and below with respect to the path positioned at the light source 10 side of the main path (7, 16, 17, 21). Thus claim 7 is met.

Regarding claim 9, the blind end of the branch 33 being configured so as to attenuate or absorb light entering the blind end is inherent to the branch 33 of Regener et al. Thus claim 9 is met.

Regener et al. teaches the light receiving device being allocated to at least one of the blind end of the optical waveguide (fig.). Thus claim 14 is rejected.

Regener et al. the optical waveguide including a light receiving path extended to the guide from a side of the block in a shape of substantially a straight line, the light receiving device being allocated to a side of the block so as to face an end of the receiving path (fig.). Thus claim 15 is met.

Regener et al. teaches electronic equipment, comprising: the fiber optic transceiver module according to claim 1 (fig. 1). Thus claim 17 is rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 11, 12 are rejected under 35 U.S.C. 103a as being unpatentable over Regener et al. (5726796).

Regener et al. teaches a fiber optic transceiver module (fig.), comprising: a block (1,36) including an optical waveguide (21, 33, 19, 23, 17, 16) including a branch having a blind end 33 and a concave guide 9 into which an optical fiber 22 is inserted and provided to at least one end of the optical waveguide (21, 33, 19, 23, 17, 16); and an optical element with a light emitting or receiving surface attached to the block 10, the optical element being a light emitting device or a light receiving device 10, the light emitting or receiving surface being disposed so as to face the other end of the optical

waveguide (See where the end of branch 7 abuts optical fiber receiving element 10 in the figure).

Although Regener et al. does not explicitly state the "blind end of the branch including an optical absorber at the edge of the blind end" it would have been obvious to do so because Regener et al. does teach that an unused branch always ends in an optical sump 33 to prevent reflections (col. 3 lines 18-25) and it is conventional to prevent the reflections by including an optical absorber at the edge of the blind end (col. 4 lines 30-33).

One of ordinary skill in the art at the time the invention was made would have been motivated to include an optical absorber at the edge of the blind end for the purpose of preventing reflections. Thus claim 11 is rejected.

Furthermore, regarding claim 12, it is conventional to use a light scattering member in optical packages to prevent reflections. One of ordinary skill in the art at the time the invention was made would have been motivated to include an optical light scattering member at the edge of the blind end for the purpose of preventing reflections. Thus claim 12 is rejected.

Allowable Subject Matter

Claims 2, 3, 5, 8, 10, 13, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Mooney whose telephone number is 571-272-2422. The examiner can normally be reached during weekdays, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1562.


Michael P. Mooney
Examiner
Art Unit 2883


Frank G. Font
Supervisory Patent Examiner
Art Unit 2883

FGF/mpm
3/6/06